



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2614

DATE SCANNED

3/29/13

SCANNER NO.

2

SCAN OPERATOR

SES

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2012 DEC 13 PM 3: 25

December 12, 2012

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *W*odi Winship/Sari Pickoralk *SR*
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2012 October Monthly Report
(Election Sensitive) for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2012 October Monthly Report in accordance with 2 U.S.C. 434(a). The October Monthly Report was due on October 20, 2012.

Under the Administrative Fine Program, the October Monthly Report is considered an election-sensitive filing for authorized committees supporting candidates involved in the general election as well as all unauthorized committees. For the committees listed on the attached RTB Circulation Report, the October Monthly Report was an election-sensitive filing. The committees either failed to file the report or failed to file the report prior to four (4) days before the general election (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties included on the attached report.

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Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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12/12/2012 4:54 PM

Federal Election Commission
Reason to Believe Circulation Report
2012 OCTOBER MONTHLY Election Sensitive 10/20/2012 P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2614	C00389981	MONTEREY COUNTY REPUBLICAN CENTRAL COMMITTEE (FED.)		THOMAS J. DOMINY	\$543,893	0		Not Filed	\$19,371 (est)	\$990

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2012)
October Monthly Report (Election)
Sensitive) for the Administrative Fine)
Program:)
MONTEREY COUNTY REPUBLICAN) AF# 2614
CENTRAL COMMITTEE (FED.), and)
DOMINY, THOMAS J. as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on December 14, 2012 the Commission took the following actions on the Reason To Believe Recommendation - 2012 October Monthly Report (Election Sensitive) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 12, 2012, on the following committees:

AF#2614 Decided by a vote of 6-0 to: (1) find reason to believe that MONTEREY COUNTY REPUBLICAN CENTRAL COMMITTEE (FED.), and DOMINY, THOMAS J. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Federal Election Commission
Certification for Administrative Fines
December 14, 2012

Page 2

Attest:

December 17, 2012
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 17, 2012

Thomas J. Dominy, in official capacity as Treasurer
Monterey County Republican Central Committee (Fed.)
484 B Washington Street, #347
Monterey, CA 93940

C00389981
AF#: 2614

Dear Mr. Dominy:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Monthly Report of Receipts and Disbursements covering the period through September 30, 2012. This report shall be filed no later than October 20, 2012. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed prior to four (4) days before the General Election held on November 6, 2012. You should file the report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On December 14, 2012, the FEC found that there is reason to believe ("RTB") that Monterey County Republican Central Committee (Fed.) and you, in your official capacity as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before October 20, 2012. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$990. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$990 is due within forty (40) days of the finding, or by January 23, 2013, and is based on these factors:

Sensitivity of Report: Election Sensitive
Level of Activity: \$19,371
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or January 23, 2013. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Monterey County Republican Central Committee (Fed.) and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

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3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Caroline C. Hunter
Chair

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$990 for the 2012 October Monthly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by January 23, 2013. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Monterey County Republican Central Committee (Fed.)

FEC ID#: C00389981

AF#: 2614

PAYMENT DUE DATE: January 23, 2013

PAYMENT AMOUNT DUE: \$990

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 MAR -5 PM 3:11

March 4, 2013

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *JW* Jodi Winship/Sari Pickerall *SP*
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the
2012 October Monthly Report (Election Sensitive)

Attached is a list identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file or failure to timely file the 2012 October Monthly Report.¹ The committee has paid the civil money penalty.

In accordance with 11 CFR § 111.34, the Commission shall send a final determination notice to the respondent that has paid the civil money penalty.

RAD Recommendation

- (1) Make final determination that the political committee and its treasurer listed on the attached report violated 2 U.S.C. § 434(a) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letter.

¹ Under the Administrative Fine Program, the October Monthly Report is considered an election-sensitive filing for all unauthorized committees that file monthly.

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3/5/2013 11:59 AM

Federal Election Commission
FD Circulation Report Fine Paid
2012 OCTOBER MONTHLY Election Sensitive 10/20/2012 P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2614	MONTEREY COUNTY REPUBLICAN CENTRAL COMMITTEE (FED.)		C00389981	THOMAS J. DOMINY	01/08/2013	Not Filed	\$25,155	0	12/14/2012	\$990	\$990	01/24/2013	\$990

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fines Program - Final)
Determination Recommendation for the)
2012 October Monthly Report (Election)
Sensitive):)
MONTEREY COUNTY REPUBLICAN) AF# 2614
CENTRAL COMMITTEE (FED.), and)
DOMINY, THOMAS J. as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on March 06, 2013 the Commission took the following actions on the Administrative Fines Program - Final Determination Recommendation for the 2012 October Monthly Report (Election Sensitive) as recommended in the Reports Analysis Division's Memorandum dated March 04, 2013, on the following committees:

AF#2614 Decided by a vote of 5-0 to: (1) make a final determination that MONTEREY COUNTY REPUBLICAN CENTRAL COMMITTEE (FED.), and DOMINY, THOMAS J. as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

March 7, 2013
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 7, 2013

Thomas J. Dominy, in official capacity as Treasurer
Monterey County Republican Central Committee (Fed.)
484 B Washington Street, #347
Monterey, CA 93940

C00389981
AF#: 2614

Dear Mr. Dominy:

On December 14, 2012, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Monterey County Republican Central Committee (Fed.) and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) for filing late or failing to file the 2012 October Monthly Report. By letter dated December 17, 2012, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage totaling \$990 in accordance with the schedule of penalties at 11 CFR § 111.43.

On January 24, 2013, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on March 6, 2013 that Monterey County Republican Central Committee (Fed.) and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a), assessed a civil money penalty in the amount of \$990 in accordance with 11 CFR § 111.43, and voted to close the file.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Sari Pickerall on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in cursive script that reads "Ellen L. Weintraub".

Ellen L. Weintraub
Chair

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FQR: Monterey County Republican Central Committee (Fed.)

FEC ID#: C00389981

AF#: 2614

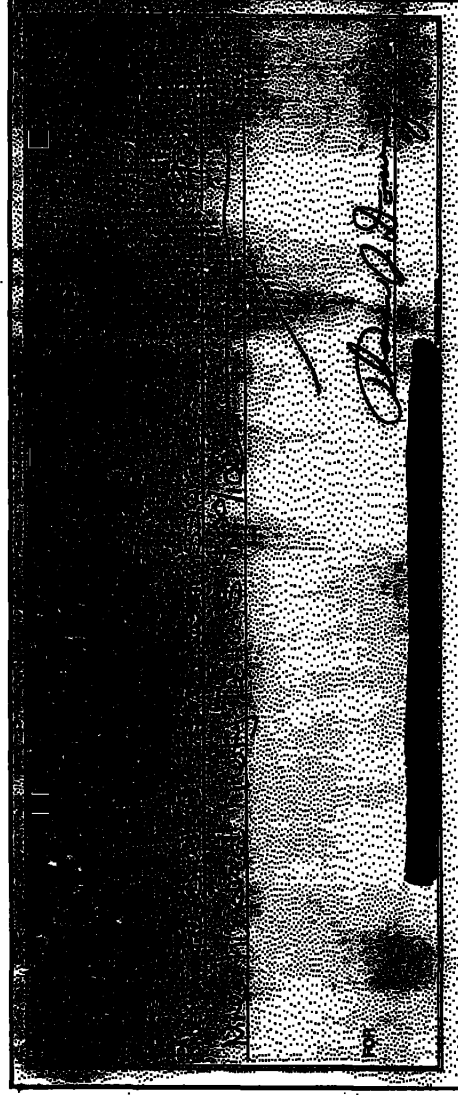
PAYMENT DUE DATE: January 23, 2013

PAYMENT AMOUNT DUE: \$990

FEDERAL ELECTION COMMISSION

Lockbox: GLX-979058 Ledger Date 01/23/2013

usbank
St. Louis GA Lockbox
(314) 425-1818



Batch	Item	TID	Batch Total	Amount
1	1	Y-3005306	\$990.00	\$990.00



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2614

DATE SCANNED

3/29/13

SCANNER NO.

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SCAN OPERATOR

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